

# **Gender issues in the African Union, Nepad and the Pan African Parliament: two perspectives**

## **Two papers from the Regional Strategy Meeting on Women's Political Participation and Gender Mainstreaming in AU and NEPAD**

**Nairobi, 27- 31 October 2003**

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**FROM OAU to AU and NEPAD:  
Regional integration processes in Africa and African women**

**Keynote address made at Regional Strategy Meeting on Women's  
Political Participation and Gender Mainstreaming in AU and NEPAD  
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**By**

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## Background

Africa has a long history of regional cooperation and integration initiatives and programmes. The initiatives trace their origin to the colonial period. Such, for instance, is the case of the East African Community (EAC) that collapsed in 1977. In Francophone West Africa, the French colonial rulers laid the foundation for regional integration with common currency, customs union, and allied common institutions.

Nonetheless, it was largely in the post-independence era that the idea of African integration came into its own, beginning with the Organisation of African Unity (OAU) in 1963. The 1970s and 1980s saw the emergence of numerous sub-regional organisations throughout the continent. A number of these were modified or expanded in the 1990s<sup>1</sup>. They vary from customs unions to more ambitious monetary unions, and the revived EAC, that also entails a sub regional parliament and other institutions. Indeed, Africa cannot be said to be short of International, Regional and Sub-regional institutions with various mandates for promoting everything from economic integration, human rights and conflict and peace-keeping matters. These institutions include ECA, ADB, ECOWAS, SADC, COMESA etc.

Contemporary regional integration initiatives are seeking a clearer political vision than their predecessors. For example, the new East African Community is a promising model for sub-regionalism in Africa. It is an incremental process that involves gradually deepening of economic and institutional ties, with parliamentary structures to help it command popular legitimacy.

In terms of women's participation, over the past decade, progress has been made on the African continent in the area of women's political and economic empowerment. Although the road to women's full incorporation in the areas of development, peace building and politics in long and replete with obstacles, recent developments at the regional level provide space for optimism. Apart from the new EAC, the most important among these developments is the transition from the Organisation of African Unity (OAU) to the African Union (AU) and the AU economic plan termed New Partnership for African Development (NEPAD). Whereas the OAU was concerned with liberating Africa from colonisation, the AU and other recent initiatives are expected to focus on promoting and protecting human rights including women's human rights, consolidating democratic institutions and culture, building new institutions to monitor and promote peace, security and development, encouraging and promoting civil society, and ensuring good governance and the rule of law.

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<sup>1</sup> The most prominent in Africa include 14 Regional economic communities of varying design, scope, and objectives. Seven of them dominate the integration landscape. The Arab Maghreb Union (AMU), with five members. The Common Market for Eastern and Southern Africa (COMESA), with five members. The Economic Community of Central African States (ECCAS), with 10 members. The Economic Community of West African States (ECOWAS), with 15 members. The Southern African Development Community (SADC), with 14 members. The Inter-Governmental Authority on Development (IGAD), with seven members in Eastern Africa. The Community of Sahel-Saharan States (CEN-SAD), with 18 members. In addition, six other RECs are geographically limited or subsets of larger RECs. The West African Economic and Monetary Union (UEMOA), with eight members, all also belonging to ECOWAS. The Mano River Union (MRU), with three members, also belonging to ECOWAS. The Central African Economic and Monetary Community (CEMAC), with six members, also belonging to ECCAS. The Economic Community of Great Lake Countries (CEPGL), with three countries, also belonging to ECCAS. The East African Community (EAC), with three members, two belonging to COMESA and one to SADC. The Southern African Customs Union (SACU), with five members, all of which belong to SADC and two to COMESA. (UNECA ARIA Overview).

The increased efforts towards regional integration in Africa thus provide an opportunity to ensure the implementation of regional and international commitments on women's human rights. If realised, the following benefits will be achieved for African women and the African people's in general:

- ❖ Free movement of people
- ❖ Promotion and protection of human rights
- ❖ Increased employment opportunities
- ❖ Lower prices for goods and services
- ❖ Increased regional bargaining strength and influence in international processes
- ❖ Creation of an African identity
- ❖ Realisation of peace, stability and human security.

### **Wherewithall Gender? From OAU to AU**

The AU replaced the former OAU in May 2001 after the Constitutive Act<sup>2</sup> came into force and was launched in July 2002 in Durban, South Africa. The main difference between the OAU and the AU is that while the OAU was seen as a union of leaders of Africa, the AU is conceived as a union of Africa's peoples. This is demonstrated in the AU's Constitutive Act, which includes institutions for people's participation such as the Pan African Parliament and the Economic Social and Cultural Council (ECOSOCC)<sup>3</sup>. In terms of gender representation in the OAU, African women including women's organisation were virtually absent from its organs and held no positions of influence during its 39 years of existence. The Women's Division set up under the Community Affairs Department with the mandate to mainstream gender into the OAU, did not achieve much due to a lack of a legal policy framework within the OAU on gender mainstreaming as well as a lack of human and financial resources.

However the OAU and the UN Economic Commission for Africa (UNECA) must be credited with establishing the African Women's Committee on Peace and Development (AWCPD) in 1998, to advise the then Secretary General of the OAU and the Executive Secretary of UNECA on issues concerning African women, peace and development. The AWCPD worked more from without than within the OAU, in partnership with women's civil society organisations due to lack of adequate both human and financial resources.

Despite this, the AWCPD at the 5<sup>th</sup> Extraordinary Summit of the OAU March 2001 in Sirte, Libya, lobbied key foreign ministers to ensure greater inclusion of women in the Constitutive Act and transition process from OAU-AU. The effort led to the decision by the OAU Council of Ministers to support consultations to better define the role of women in the transition<sup>4</sup>. This committee jointly with the gender desks of the Regional Economic Communities, the UNECA's African Centre for Gender and Development and the African Women's Development Fund (AWDF)<sup>5</sup> prepared recommendations that included the establishment of a Gender Directorate under the Chairperson's Office, a Specialised Technical Committee on gender equality at the level of Commissioners. These were presented by the Secretary General of the OAU to the Inaugural Session of

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<sup>2</sup> Organisation of the African Unity, Constitutive Act of the African Union, July 2000

<sup>3</sup> Constitutive Act of the African Union, Articles 17 and 22

<sup>4</sup> CM/Dec. 579 (LXXIII) of the 73<sup>rd</sup> Session of the Council of Ministers held in Tripoli, Libya, in February 2001

<sup>5</sup> Workshop on Gender Mainstreaming in the African Union May 25-27 2007 in Addis Ababa, Ethiopia

the AU in Durban in 2002 and adopted, thus marking the beginning of gender mainstreaming within the AU.

### **Mainstreaming Gender in the AU**

The Constitutive Act is indeed a major improvement on the 1963 OAU Charter, in terms of its objectives and the institutional framework. The gender mainstreaming process has been facilitated by the provisions of the Constitutive Act of the AU. The Constitutive Act departs from the regime of the OAU Charter in the area of human rights. The Act provides that the AU shall strive to “promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instruments”<sup>6</sup>. The principles of the AU include the “promotion of gender equality, respect for democratic principles, human rights, rule of law and good governance”<sup>7</sup> as well as respect for the sanctity of life”<sup>8</sup>. It also provides among its organs, a *Pan-African Parliament* and *the Court of Justice*.

The human rights provisions of the Act are far more reaching and reinforce earlier agreements made by African leaders at regional and international levels to respect human rights including women’s human rights. Building on those principles, the African women’s movement and other Pan African networks working on gender have been exploring strategies to mainstream gender in all structures of the AU.

The Pan-African networks<sup>9</sup> organized three consultations in partnership with Women’s regional networks, to define strategies for the implementation of the recommendation to ensure African women’s effective participation in the AU<sup>10</sup>. They issued the *Durban Declaration*, the *Dakar Strategy* and the *Maputo Declaration*, which were used to lobby the AU members during the Summits in 2002 and 2003 respectively.

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<sup>6</sup> Article 3(h)

<sup>7</sup> Article 4(m)

<sup>8</sup> Article 4(o)

<sup>9</sup> Abantu for Development, African Centre for Constructive Resolution of Disputes (ACCORD), the African Centre for Democracy and Human Rights Studies (ACDHRS), the African Leadership Forum (ALF), African Women’s Development and Communication Network (FEMNET), Akina Mama wa Afrika, Equality Now, the Federation of African Women in Education (FAWE), Femme Africa Solidarite (FAS), the Forum for Community Development (FDC) and Women in Law and Development in Africa (WiLDAF)

<sup>10</sup> Mainstreaming African Women’s Vision and Effective Participation in the African Union. Durban, South Africa June 28-30 2002 organised by Femmes Africa Solidarite (FAS), Mainstreaming Gender and Women’s Effective Participation in the African Union. Dakar, Senegal organised by Femmes Africa Solidarite (FAS), April 24-26, 2003 and Women in the African Union, Maputo Mozambique, June 23-24, 2003 organised by the Foundation for Community Development (FDC).

## **Achievements**

As a result of advocacy by Pan African Women networks, the Durban Summit recognized the contributions of African women and affirmed the pivotal role of women. It recognized that the objectives of the AU could not be achieved without the full involvement and participation of women at all its levels and in all its structures. It therefore called on African women to participate in the regeneration of the African continent through the AU.

The Summit made a number of decisions to advance the mainstreaming of gender in the AU. **The Commission of the AU, which will drive the agenda of the AU, will have 50 percent representation of women.<sup>11</sup> The AU Assembly also approved the creation of a Gender Promotion Directorate in the Office of the Chairperson to coordinate all activities and programmes of the Commission.<sup>12</sup> It was further agreed that the recruitment of senior administrative, professional and technical staff of the Commission must uphold the principle of gender equality.<sup>13</sup>**

The Maputo Summit in 2003 made several decisions towards implementation of the decisions taken by the Summit in 2002. To ensure gender parity in the election of Commissioners, the Summit elected five women to the AU's Commission. The Summit also adopted the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.*<sup>14</sup> The Summit further called for the operationalisation of the Gender and Development Directorate and Development of an AU policy on gender implementation and coordination framework.<sup>15</sup>

Clearly then, women's political participation has improved at the level of the AU's Commission. However, there remain challenges with respect to gender mainstreaming in various organs of the AU.

## **Challenges and opportunities**

At the level of the Women, Gender and Development Directorate, there is need for a strategic partnership between women's organizations across Africa, with the Directorate in the elaboration of the AU policy and declaration on gender, its implementation and coordination framework. This is to ensure gender mainstreaming within the AU, Regional Economic Communities, member states and other stakeholders.

Women's organizations further need to ensure that the proposed Specialised Technical Committees on gender established under Article 14 of the Constitutive Act, facilitate input from ministries of gender and civil society organizations in policy making on gender mainstreaming in the AU. Women's organizations need to continue lobbying the AU member states to allocate adequate financial, human and material resources for the Women, Gender and Development Directorate to mainstream gender in the AU. They also need to encourage African women to apply for jobs in the AU, so as to achieve

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<sup>11</sup> Article 6 of the Statutes, Rule 39 of the Rules of the Procedure of the Assembly.

<sup>12</sup> Article 12 of the Statutes.

<sup>13</sup> Article 18 of the Statutes.

<sup>14</sup> Assembly/AU/Dec. 19 (II) Decision on the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

<sup>15</sup> EX/CL/Dec. 66 (III) Decision on the Matters Related to the Operationalisation of Activities of the Women Gender and Development Directorate.

gender equality in recruitment, as provided by the AU Summit 2003 decision on gender balance in recruitment.

The AU Summit in 2002 established a *Peace and Security Council (PSC)* as the decision-making organ for the prevention, management and resolution of conflicts.<sup>16</sup> In 2003, the Summit called for the ratification of its Protocol. The *Protocol* acknowledges the need to assist vulnerable persons including women and children in states that have been adversely affected by conflict and also encourages civil society organizations including women's organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa.

However, the *Protocol* does not indicate clearly how gender will be mainstreamed into its structures and activities. As African women bear the brunt of conflict in Africa, the women's movement needs to engage the AU to ensure that women constitute the majority of the proposed *Panel of the Wise* that will advise the PSC.

The *Constitutive Act* includes provisions for the establishment of a Pan African Parliament, as a means to ensure people's participation in the AU. The AU's *Protocol to the Treaty Relating to the Pan African Parliament* provides that five members shall represent each country from national parliaments or other deliberative organs.<sup>17</sup> It further stipulates that at least one woman from every country shall be represented in the proposed Pan-African Parliament. The AU Summit in 2003 called for the ratification of the *Protocol* by December 31, 2003 to enable it to enter into force before January 31, 2004.<sup>18</sup> As African women constitute more than 50 percent of Africa's population, there is need that they constitute 50 percent of the Pan-African parliamentarians and other AU institutions.

Despite the fact that the gender provisions contained in the *Constitutive Act* of the AU are commendable and progressive, they still fall below the 30 percent minimum standard provided for in the *Dakar and Beijing Declarations and The Platform for Action (PFA)*, acceded to by most African countries. There is therefore need to continue to lobby governments in this regard.

The *Constitutive Act* allows for the creation of an *Economic and Social Council (ECOSOCC)*. This is an advisory organ composed of different social and professional groups of member states of the AU, to facilitate their participation in the affairs of the AU. African women's organizations and other CSOs networks, have drafted the *Draft Statutes on ECOSOCC* in order to ensure that a wide cross section of views from all stakeholders is reflected.<sup>19</sup> There is need to share information on this process and make input.

As mentioned earlier, the Maputo Summit of 2003 adopted the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*. To ensure its implementation at the national level, there is need to disseminate this *Protocol* widely so that women's organizations lobby governments at national level to ratify it and enable it to come into force.

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<sup>16</sup> Article 5(2) of the *Constitutive Act*.

<sup>17</sup> Article 4.

<sup>18</sup> Assembly/AU/Dec. 17 (II)

<sup>19</sup> EX/CL/Dec. 21 (III)

Similarly, the *Protocol of the Court of Justice of the African Union*<sup>20</sup> also adopted at Maputo Summit in 2003 requires lobbying governments to ratify it and to ensure that the provision on equal representation in selection of judges are implemented. Female judges in Africa should be encouraged to apply.

### **The Gender Dimension of Nepad:**

The New Partnership for Africa's Development (NEPAD), an economic project of the AU, is the most current in a long series of blueprints and policy frameworks aimed at laying the foundation for a viable path for Africa's socio-economic development and African economic integration. Hailed as the "*Marshall Plan*" for Africa, the NEPAD purports to do what its predecessors such as *Lagos Plan of Action (1980)*, *the African Alternative Framework to Structural Adjustment Programme for Socio Economic Recovery and Transformation (1989)* and *the African Charter for Popular Participation for Development (1990)* failed to do.

NEPAD's central goal is to eradicate poverty and in so doing help Africa to achieve sustainable growth and development.

The Durban Summit of 2002 adopted the *Declaration on the Implementation of the New Partnership for Africa's Development (NEPAD)* as an AU economic blueprint for action on Africa's development and endorsed the NEPAD Progress Report and Initial Action Plan<sup>21</sup>. At the AU Summit 2003 decision was taken to integrate NEPAD into the Structures of the AU within three years.

The gender-blindness of the NEPAD has been observed in its overall content, structures and implementation strategies provided for in the document. African women are especially concerned that the process of developing NEPAD and its content, particularly the macro-economic proposals, lack gender-responsiveness. There is need for deeper and more systematic consultations on the NEPAD process, particularly given the fact that the *NEPAD African Peer Review Mechanism (APRM)* and its Panel of Experts that call for implementation of regional and international agreements on gender are now in place.

There is clearly need for more information and capacity among the African women's organizations to engage the AU on NEPAD with a view to integrate the *Dakar and Beijing Declaration and Platform for Action (PFA)* provisions on gender in all its activities and programmes. This calls for multiple strategies from African women to work with both the NEPAD Secretariat and the AU's Women Gender and Development Directorate, to develop a strategy to mainstream gender in NEPAD.

In view of the fact that the first phase of the NEPAD provisions and processes almost entirely excluded the participation of women and non-state actors, the second and subsequent phases must be fully inclusive and ensure full participation of key non-state actors in decision-making. These non-state actors are likely to be the only reliable engine for both the mobilization of necessary resources, as well as the agents for its implementation.

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<sup>20</sup> Assembly/AU/Dec. 25 (II)

<sup>21</sup> ASS/AU/Decl.1 (I)

The NEPAD therefore needs to establish *alliances* with all strategic economic forces, in particular women's groups, civil society organizations, and the private sector, in recognition of their unique power to effect change towards people-centered, equitable and sustainable development.

### **Gender and the EAC**

Closer to home, the *Treaty for the Establishment of the East African Community*, also integrates gender concerns as a way of implementing regional and international agreements that the member countries are party to. It includes two articles on the role of women in socio-economic development and the role of women in business<sup>22</sup>. They include commitments to take legislative measures to:

- Promote the empowerment and integration and participation of women at all levels of socio-economic development especially decision making;
- Abolish legislation and customs that are discriminatory against women;
- Create or adopt technologies which will ensure the stability of employment and professional progress for women workers;
- Take such other measures to eliminate prejudices against women and promote the equality of the genders in every respect;
- Increase participation of women in business at the policy formulation and implementation levels;

The Treaty of the EAC provides for gender balance in the appointment and composition of its organs. But unlike the AU's *Constitutive Act*, EAC has no provision for an engagement mechanism for ensuring gender mainstreaming in the EAC<sup>23</sup>. This deficiency has, in the past, contributed to default in implementation of the good gender objectives of EAC Treaty. For example, the EAC Treaty objectives include "*the mainstreaming of gender in all the endeavours of the Community and the enhancement of the role of women in cultural, social, political, economic and technological development*", including the criteria of selection of members to the East African Legislative Assembly (EALA).

Despite these provisions, in the first round of nominations of members to the EALA carried out in 2000, it was observed that the Republic of Uganda and that of Tanzania followed the internationally agreed standards of ensuring that women occupy at least a third of all decision-making positions after the *Beijing Declaration and Platform for Action*. However, the Kenyan National Assembly, specifically the ruling party at the time, declined to comply, with the result that only two women took positions at the East African Legislative Assembly, instead of the minimum three required to meet the 1/3 quota.

A similar challenge is observable in the decision-making organs of the Summit, the Council, and the Coordination Committee, that are constituted by Heads of States, Ministers of Foreign Affairs and Permanent Secretaries of Ministries of Foreign Affairs. To date, few women hold portfolios here. It is also notable that no woman was appointed judge to the EAC Court of Justice, despite the fact that there are qualified female judges in the member countries.

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<sup>22</sup> Articles 121 and 122

<sup>23</sup> Article 127 and 128 do not provide a mechanism.

The East African women organizations have responded well to these challenges and have taken steps to ensure the operationalisation of the provisions of the Treaty and have made further recommendations for effective gender mainstreaming in the EAC. The recommendations provide for the establishment of:

- Cooperation in Legal and Judicial Affairs and harmonization of laws in the areas of human rights of women, including ownership of matrimonial property, land, inheritance, violence against women and structural discrimination that is enhanced by cultural practices;
- Uniform standards and constitutional protection of the participation of women and inclusion of the principals of Affirmative Action to redress the imbalances and create a level playing field for women in politics;
- A gender policy in the EAC;
- Gender mainstreaming in the EALA Committees, Rules and Regulations, and working environment facilities;
- Harmonising and strengthening of linkages between the Summit, Council of Ministers, Coordination Committee, Secretariat, East African Court, and Sectoral Committees on Gender mainstreaming in EAC, and
- A network Forum for women members of the EALA and Women MPs of the EAC member countries

### **Conclusion**

Regional integration in Africa must be more “people centred” particularly to ensure the effective participation of women. First, integration should aim to benefit all, and especially ordinary women and men across the continent, who make the greatest contribution to the development process. Second and related to this, the process of integration must be inclusive and decision-makers must involve ordinary women and men in developing integration policies. Indeed, the major weakness of regional integration schemes and processes to date, remains the lack of public participation in such efforts. Africa is well on its way towards regional integration in the economic, political, and security spheres, but a great deal of improvement is still required.

This presents both challenges and opportunities for African women as individuals and within organizations. Gender mainstreaming is a strategy for achieving the goal of gender equality and upholding of the principles of democracy and human rights. At the AU level, gender mainstreaming at the level of politics and diplomacy is very critical. To be significant players, women must participate in political processes at national level and aspire to positions of heads of state, ministers of foreign affairs and ambassadors as these are important portfolios that play significant policy roles at the levels of AU, COMESA, ECOWAS, SADC, EAC and other sub-regional organizations.

This is an immense challenge for women in Africa. But unlike before, the political will demonstrated by African Heads of States and governments in the last few years, provides an opportunity for implementation of regional and international policies on gender in the AU and EAC. It calls for new forms of collaboration that are strategically and carefully constructed between the AU, sub-regional organizations, NGOs, Private Sector and international development partners.

Professional organisations' intellectual expertise and capacities, alertness to the dynamics of regional integration, clear vision and patience as well as the increased use of information and communications technologies, will be very vital in ensuring that gender mainstreaming is achieved in the AU, the NEPAD and sub-regional integration organs. A lot of vigilance will obviously need to be maintained to ensure that tools used in monitoring progress are gender sensitive. This will only be realized, if we, as African women and men are prepared to seize the political moment and respond to the challenges of the 21<sup>st</sup> Century and globalisation.

# **THE PAN-AFRICAN PARLIAMENT: AN OPPORTUNITY FOR AFRICAN WOMEN**

## **INTRODUCTION**

**The purpose of this presentation is to share information, share ideas and perspectives about the PAP, but most importantly to use this as an opportunity to strategise on how best African women must utilise the PAP to further the advancement of our status.**

## **BACKGROUND**

The Pan African Parliament was first provided for in the Abuja Treaty of 1991. Secondly it is provided for in the Constitutive Act of the African Union as one of the 9 (nine) organs of the AU listed in the Act.

Article 17 of the Constitutive Act creates the parliament “In order to ensure the full participation of African peoples in the development and economic integration of the continent...” This article then says that the details would be spelt out in the protocol.

Before delving further into an understanding of this organ, I’d like to now sketch some recent history of discussions around it. There are three meetings of African MPs that are important to mention.

In November 2000 the OAU convened a meeting of representatives from African parliaments in Pretoria to discuss the then draft protocol. From there the amended document was tabled to the meeting of the heads of states, which adopted the protocol in March 2001. The main reason Africa does not have a parliament is that Article 22 of the protocol has taken long to be realised. We need a simple majority of the Member States to ratify and deposit the instruments before the Assembly convenes the first meeting of the PAP.

A second meeting of African MPs sat in Cape Town just before the Durban Summit of the launch of the AU. Speaker Ginwala was mandated by that meeting to present a report of the meeting to the Assembly in Durban. In particular, a recommendation was made that a Steering Committee be created to assist the AU (secretariat), i.e. the Interim Commission towards the creation of the Pan-African Parliament. The Assembly agreed to this. The Steering Committee has since been created earlier this year (2003) and is busy helping with the newly appointed Commission.

The third meeting took place in Cape Town before the Maputo Summit of 2003. It received reports on ratifications and it urged parliaments to speed up this process. Again, Speaker Ginwala was mandated to present a report to the Summit. In particular, the MPs urged members of the executives of Member States to assist in the ratification processes and to ensure instruments of ratification were deposited back in Addis Ababa.

## **WHERE ARE WE NOW?**

The Maputo Summit decided that the Pan-African Parliament must have its inaugural meeting not later than the end of January 2004. Remember that this is dependent on a simple majority of Member States ratifying and depositing. Once this has been done, then 30 (thirty) days thereafter the Pan-African Parliament can exist. Informally Speaker Ginwala has gathered from fellow speakers that we now have the requisite number of ratifications.

The chairperson of the AU must determine a date for the inaugural meeting. Parliaments must each elect their 5 (five) representatives, at least one of whom must be a woman. Thirdly, nomination processes must unfold towards the election of the Office bearers of the Pan-African Parliament. These are to be from each of the 5 (five) regions of Africa. They are President and 4 (four) Vice-presidents. They will form the Bureau of the PAP and will be assisted by a Clerk and 2 (two) Deputy Clerks. Until the PAP recruits its own staff, it will be administratively supported and serviced by the AU commission. As soon as the Bureau is elected at the inaugural meeting, it is envisaged that the present Steering Committee will cease to exist.

African women and all progressive Africans must seize the challenge to consider ways in which the Pan-African Parliament can give meaning to the objectives of the AU, especially in as far as African women are concerned. We must consider the strategic areas where this can best be realised. We must be focused in order to maximise our benefits. I will raise some of these areas for your consideration. Before that I'd like to briefly deal with the envisaged powers and functions of the PAP.

## **THE PURPOSE, POWERS AND FUNCTIONS OF THE PAP**

First and foremost we must look at the Constitutive Act of the African Union to have the proper context within which to locate a discussion or an understanding of the role of the PAP. I wish to highlight two objectives and one simple principle of the AU in this regard.

Article 3(g.) "Promote democratic principles and institutions, popular participation and good governance." 3(h) "Promote and protect human and people's rights in accordance with the African Charter on Human People's Rights and other relevant human rights instruments;"

In Article 4, the Constitutive Act spells out the PRINCIPLES in accordance with which the Union will function. 4(1) provides for the "Promotion of gender equality;"

The second place where we must go for a more elaborate spelling out of the Powers and Functions of the PAP is – of course – the Protocol, which is provided for in the Constitutive Act. Although it will ultimately develop into an institution with full legislative powers whose members will be elected by universal adult suffrage, initially the PAP will have consultative and advisory powers. This allows it to discuss any matter it wishes to take a view or position on to make these views and position known to the Assembly and to African citizens.

From Articles 11 on “Functions and Powers” and 12 on “Rules of Procedure and Organisation of the Pan-African Parliament”, I will highlight just a few. 11(1) says the PAP may “Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make recommendations it may deem fit relating to, inter alia, “matters pertaining to respect of human rights, the, consolidation of democratic institutions, and, the culture of democracy as well as the promotion of good governance and the rule of law.”

11(2) refers to its budget and the budget of the AU on which it can make recommendations for consideration before its approval by the Assembly. 12(13) provides for the establishment of committees for the proper discharge of the PAP’s function in accordance with its Rules of Procedure. In Article 18, the Protocol envisages a close cooperation between the PAP with the parliaments of the Regional Economic Communities and the National Parliaments through-among other ways – annual consultative fora to “discuss matters of common interest.”

Article 11(9) provides room for the PAP to consider and decide on its own work and program. “Perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.”

I would like to turn to the objectives of the PAP and do so bearing in mind Article 11 (9). I also wish to remind us of Article 12(13) about the establishment of PAP committees. In order to be focused, I propose, the objectives should form the main basis for the structures and program of the PAP. In this respect I would highlight the following themes extracted from Article 3.

- a. Human rights and democracy: e.g. ACPHR (African Charter on Human and People’s Rights on the Rights of Women in Africa)
- b. Good Governance, transparency and accountability in Member States: e.g. APRM (Africa Peer Review Mechanism)
- c. Peace, security and stability: e.g. PSC (Peace and Security Council)
- d. Collective self-reliance and economic recovery: e.g. NEPAD (New Partnership for Africa’s Development)
- e. Cooperation among Regional Economic Communities: e.g. RECS (Regional Economic Communities)

This is an option for considering how to organise the work of the PAP, especially in terms of an oversight function, which exists even though not explicitly spelt out anywhere. In each of the above themes the issues of women arise and have to be seen as a standing item for monitoring how the continent is following up on all past agreements and commitments like CEDAW, the Dakar and Beijing Platforms, the Africa Charter on Human People’s Rights of women in Africa, NEPAD, etc.

Another option is to ensure the PAP maintains contact, monitors and maintains oversight over all AU organs structures and work. While this might sound ideal it could be too broad and unproductive. As things stand the AU has potentially 17 organs. In addition, here are 7 (seven) specialised committees. Then you have 10 district topics listed as areas in which the Executive Council of Foreign Ministers will have deliberations. Add to that the portfolio areas of focus for the Commission of the AU. Some of there overlap. It seems to me, except for specific reports on matters raised with

the PAP, it could be difficult for its committees to be structured to respond to these many other bodies of the AU. That's why I prefer focusing on the provisions of the Protocol for guidance on this complex matter.

In keeping with the position take by the AU Workshop on gender mainstreaming in May 2002, I suggest that an office for gender mainstreaming of the PAP be located in the Bureau. This is because this is the highest office in this organ. Through this office contact could also be maintained with and monitoring pursued of other AU gender mainstreaming work throughout the system.

### **CHALLENGES AND OPPORTUNITIES**

The first challenge is that women hardly feature in some key bodies of the AU. There isn't a single woman Head of State, therefore no woman on the highest structure, the Assembly. There are only 2 or 3 women Foreign Affairs Ministers and so hardly a presence in the very important Executive Council, which processes all matters and makes recommendations to the Assembly. I must also mention that the Rules of Procedure of this organ list one of its Powers and Functions – in Rule 4 (4) as to “Ensure the promotion of gender equality in all programs of the Union”. We need more women in this body and so more Ministers of Foreign Affairs. We do have an alternative to use Rule 2, which creates the possibility for Governments or Member States to duly accredit any other Minister to the Executive council. This is something to be carefully considered if women find that some issues could be more sensitively handled by other ministers, especially those charged with responsibility for the portfolio of “women affairs”.

Secondly, just a quick look at some concerns listed in the Maputo Declaration on Gender Mainstreaming and the Effective Participation of Women in the African Union.

“The Women, Gender and Development Directorate is severely under-resourced.” Usually the resource given or denied to any structure will determine its success or failure. This is a matter that, in looking at the AU budget, the PAP must take on board and recommend corrective measures to the Assembly. The other important matter to be scrutinised here is the brief of the Directorate. I read somewhere that the directorate services or seeks to service all AU organs. I'm not sure what this means. The question that arises is whether it should be servicing or whether it should monitor and make recommendations to the AU Commission about gender mainstreaming in AU structures. Perhaps this is something in which my comments are based on ignorance.

Another concern raised in Maputo is regarding the PAP Protocol providing for at least one woman in each of the delegation of 5 (five). I agree that this amendment is necessary. The Protocol provides a procedure for amendments and there's no reason why we can't lobby for such as one of the first activities in the PAP.

I do however wish to emphasise that there's nothing to stop African Parliaments from sending two or three women when they elect the delegates. Women in civil society in all the countries, women parliamentarians must lobby for this. In some instances past commitments must be used to leverage women's positions in this regard. For example in the SADC countries, we must invoke the SADC Declaration signed and approved by SADC Heads of States or Governments on 8 September 1997, committing themselves and SADC to the target of 30 percent women as a minimum in decision-making structures. The delegations to the PAP are an opportunity to realise this commitment by

having at least 2 women. In South Africa, the National Assembly adopted a resolution to send 3 (three) women to the PAP.

Moving to more of the opportunities, I first suggest we look at the workings of the AU and the need for ongoing networking, consultation and strategising. An understanding of the functioning of these structures, information about the latest development in the unfolding establishment of the AU organs is critical for this. For instance, its important for us to know that in keeping with the Durban decision, Africa has made history by appointing 5 (five) out of the 10 commissioners, who will drive AU policy implementation. A woman Commissioner, Mrs. Julia Joyner (Political Affairs) is responsible for the Pan-African Parliament. Let us remember that those women will need our support to succeed for all of us.

The second opportunity – apart from the delegations already mentioned above – is the location of women in strategic positions in the PAP structures. Women must consider a mechanism to ensure that one or two of the members of the Bureau are women. At least one of the 3 (three) Clerks must be a woman. We have to consider this, lobby the AU Commission – especially Ms. Joyner – to pursue this approach in their preparatory work. More specifically, this would have to be integrated into the guidelines, which will be issued by the Commission to help Parliaments in their own activities towards the inaugural meeting possibly in January.

When the PAP recruits staff for its own Permanent Secretariat, women must not only be junior secretaries, cooks and cleaners, they must also be among the senior managers of the staff of the PAP. More details on this have to be looked at once the PAP exists and has determined its administrative needs.

In pursuing oversight on the progress of Africa in addressing the plight of women as spelt out in numerous policy documents, the PAP should work closely with the Regional Economic Community parliaments or parliamentary fora. This would mean that this could be a standing item on the agenda of the annual consultative fora bringing the PAP together with National Parliaments.

## **CONCLUSION**

I trust that although the presentation shows that we still have a lot of work to do, it also says that if we work together we can turn our challenges into opportunities to realise women's emancipation and a better life for African women. We who are leaders in civil society, business and professional bodies, politics at local, national and continental levels must work tirelessly to deliver a better continent through the AU and the Pan-African Parliament. I believe that these strategising sessions are critical for us to continue to share information and insights, but more importantly to contribute to the development of our continent.

I congratulate the organisers for this conference and wish them to keep it up. Thank you.

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28-10-03